

Presentment Date: June 1, 2022

Objection Deadline: May 31, 2022 at 4:00 p.m. (AST)

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**This filing relates to the
Commonwealth and ERS.**

**NOTICE OF PRESENTMENT OF PROPOSED ORDER GRANTING THE THREE
HUNDRED NINETY-FOURTH OMNIBUS OBJECTION (SUBSTANTIVE) OF THE
COMMONWEALTH OF PUERTO RICO AND THE EMPLOYEES RETIREMENT
SYSTEM OF THE GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO
TO EMPLOYEE CLAIMS ASSERTING LIABILITIES OWED BY ENTITIES THAT
ARE NOT TITLE III DEBTORS (ECF NO. 18958)**

PLEASE TAKE NOTICE that, on May 24, 2022, the Commonwealth of Puerto Rico (the “Commonwealth”) and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth, the “Debtors”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight”

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

Board”), as the sole Title III representative of the Debtors pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² hereby submit a *Notice of Presentment of Proposed Order Granting the Three Hundred Ninety-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Employee Claims Asserting Liabilities Owed by Entities That Are Not Title III Debtors* (this “Notice”).

PLEASE TAKE FURTHER NOTICE that, on October 29, 2021, the Debtors, by and through the Oversight Board, filed the *Three Hundred Ninety-Fourth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico and the Employees Retirement System of the Government of the Commonwealth of Puerto Rico to Employee Claims Asserting Liabilities Owed by Entities That Are Not Title III Debtors* [ECF No. 18958] (the “Three Hundred Ninety-Fourth Omnibus Objection”) to the proofs of claim listed on Exhibit A thereto.

PLEASE TAKE FURTHER NOTICE that the Three Hundred Ninety-Fourth Omnibus Objection was initially scheduled for hearing on December 15, 2021, and was subsequently adjourned, pursuant to notices, to the February Claim Objection Hearing (as defined below).

PLEASE TAKE FURTHER NOTICE that any party against whom the Three Hundred Ninety-Fourth Omnibus Objection was served, or any other party to the Debtors’ Title III cases who objected to the relief sought therein, was required to file and serve a response to the Three Hundred Ninety-Fourth Omnibus Objection with the clerk’s office of the United States District Court for the District of Puerto Rico by 4:00 p.m. (Atlantic Time) on November 29, 2021 (the “Response Deadline”).

² PROMESA is codified at 48 U.S.C. §§ 2101-2241.

PLEASE TAKE FURTHER NOTICE that, as set forth in Exhibit C to the Three Hundred Ninety-Fourth Omnibus Objection, if no responses were filed by the Response Deadline, the Three Hundred Ninety-Fourth Omnibus Objection “will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.” Ex. C to Three Hundred Ninety-Fourth Omnibus Objection, ECF No. 18958-4, at 2.

PLEASE TAKE FURTHER NOTICE that, on December 8, 2021, this Court entered the *Order Regarding Adjourned Omnibus Objections to Claims* [ECF No. 19461] (the “Order Regarding Adjourned Omnibus Objections”), scheduling hearings on January 19-20, 2022, at 9:30 a.m. (Atlantic Time) (the “January Claim Objection Hearing”), and February 16-17, 2022, at 9:30 a.m. (Atlantic Time) (the “February Claim Objection Hearing,” and together with the January Claim Objection Hearing, the “Claim Objection Hearings”), to consider, *inter alia*, the Three Hundred Ninety-Fourth Omnibus Objection. Order Regarding Adjourned Omnibus Objections at 1.

PLEASE TAKE FURTHER NOTICE that, as of the filing of this Notice, the Claimant associated with Proof of Claim No. 177716 listed on **Exhibit A** hereto has responded to the Three Hundred Ninety-Fourth Omnibus Objection (the “Claim to Be Heard and Partially Disallowed”) on or before the Response Deadline via either (i) ECF filing, (ii) mailing to Prime Clerk, LLC (“Prime Clerk”), (iii) mailing to counsel for the Oversight Board, or (iv) mailing to counsel for the Official Committee of Unsecured Creditors of the Commonwealth of Puerto Rico (the “UCC”) and forwarded to counsel for the Oversight Board.

PLEASE TAKE FURTHER NOTICE that, at the February Claim Objection Hearing, the Debtors prosecuted, and the Court sustained, the Three Hundred Ninety-Fourth Omnibus Objection as to the Claim to Be Heard.

PLEASE TAKE FURTHER NOTICE that, with the exception of the Claim to Be Heard, as of the Response Deadline, the Claimants associated with all other claims listed on **Exhibit A** hereto failed to respond to or otherwise oppose the Three Hundred Ninety-Fourth Omnibus Objection (the “Claims to Be Disallowed via Notice of Presentment”).

PLEASE TAKE FURTHER NOTICE that attached hereto as **Exhibit B** is a proposed order (the “Proposed Order”) (1) partially disallowing the Claim to Be Heard and Partially Disallowed and (2) disallowing in their entirety the Claims to Be Disallowed via Notice of Presentment.

PLEASE TAKE FURTHER NOTICE that, pursuant to Paragraph III.H of the Court’s *Sixteenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 20190-1], “the presentment of a proposed order for administrative relief must be filed and served at least seven (7) calendar days before the presentment date, and Objections thereto must be filed and served at least one (1) calendar day before the presentment date,” and accordingly, unless a written objection to the Proposed Order is filed with the Court no later than **4:00 p.m. (Atlantic Time) on May 31, 2022**, the relief requested shall be deemed unopposed, and the Proposed Order may be entered without a further hearing.

PLEASE TAKE FURTHER NOTICE that copies of all documents filed in these Title III cases are available (a) free of charge by visiting <https://cases.ra.kroll.com/puertorico> or by calling +1 (844) 822-9231, and (b) on the Court’s website at <http://www.prd.uscourts.gov>, subject to the procedures and fees set forth therein.

Dated: May 24, 2022
San Juan, Puerto Rico

Respectfully submitted,

/s/ Brian S. Rosen

Martin J. Bienenstock

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(Admitted *Pro Hac Vice*)

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